P23754.P10

GREENBLUM & BERNSTEIN, P.L.C.
Intellectual Property Causes
1950 Roland Clarke Place
Reston, VA 20191
(703) 716-1191

lfw

Attorney Docket No. P23754

In re application of : Dr. Rüdiger KURTZ et al.

Mail Stop Amendment

Application No. : 10/619,424

Group Art Unit: 1762

Filed : July 16, 2003

Examiner: K. Jolley

For : DEVICE AND PROCESS FOR IMPREGNATING A PAPER OR CARDBOARD WEB

Mail Stop Amendment
U.S. Patent and Trademark Office
220 20th Street S.
Customer Window
Crystal Plaza Two, Lobby, Room 1B03
Arlington, VA 22202

Sir:

Transmitted herewith is an **Election with Traverse** in the above-captioned application.

____ Small Entity Status of this application under 37 C.F.R. 1.9 and 1.27 has been established by a previously filed statement.

____ A verified statement to establish small entity status under 37 C.F.R. 1.9 and 1.27 is enclosed.

____ A Request for Extension of Time.

____No additional fee is required.

The fee has been calculated as shown below:

Claims After Amendment	No. Claims Previously Paid For	Present Extra	Small Entity		Other Than A Small Entity	
			Rate	Fee	Rate	Fee
Total Claims: 32	32	0	x 9=	$	x 18=	$0.00
Indep. Claims: 3	3	0	x 43=	$	x 86=	$0.00
Multiple Dependent Claims Presented			+145=	$	+290=	$0.00
Extension Fees for One Month(s)				$		$0.00
			Total:	$	Total:	$0.00

* If less than 20, write 20

** If less than 3, write 3

____ Please charge my Deposit Account No. 19-0089 in the amount of $_____.

N/A check in the amount of $____to cover the extension fee is included.

__X__ The U.S. Patent and Trademark Office is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 19-0089.

__X__ Any additional filing fees required under 37 C.F.R. 1.16.

__X__ Any patent application processing fees under 37 C.F.R. 1.17, including any required extension of time fees in any concurrent or future reply requiring a petition for extension of time for its timely submission (37 C.F.R. 1.136(a)(3)).

Neil F. Greenblum
Reg. No. 28,394 #35,043

OIPE JC10
JUL 28 2004
PATENT & TRADEMARK OFFICE

P23754.A02 Customer No.: **7055**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants :	Dr. Rüdiger KURTZ et al.	)	Confirmation No.: 7328
Appln. No. :	10/619,424	)	Group Art Unit: 1762
Filed :	July 16, 2003	)	Examiner: K. Jolley
For :	DEVICE AND PROCESS FOR IMPREGNATING A PAPER OR CARDBOARD WEB	)	

ELECTION WITH TRAVERSE

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Examiner's restriction requirement of June 28, 2004, the time set for response being one month from the mailing date from the U.S. Patent and Trademark Office, i.e., July 28, 2004, Applicants hereby elect the invention of Group I, including claims 1 - 3. The above election is made with traverse for the reasons set herein below:

In the Official Action of June 28, 2004, the Examiner indicated that all claims (1 - 32) were subject to restriction under 35 U.S.C. § 121. The Examiner restricted the claimed invention into Group I, including claims 1 - 15, drawn to a device for impregnating a web, classified in class 118, subclass 72 and Group II, including claims 16 - 32, drawn to a process for impregnating a web, classified in class 427, subclass 299.

The Examiner asserted that the inventions were related as process and apparatus for its practice, and that the inventions are distinct from each other under M.P.E.P. § 806.05(e) because the "apparatus can be used to practice another process, for example the apparatus can be used to apply impregnating agent to a continuous fiber, or bundle of fibers/yarn, instead of a web."

Applicants respectfully submit that the Examiner has omitted one of the two criteria for a proper restriction requirement now established by the U.S. Patent and Trademark Office policy. That is, as set forth in M.P.E.P. § 803, "an appropriate explanation" must be advanced by the Examiner as to the existence of a "serious burden" if the restriction requirement were not required.

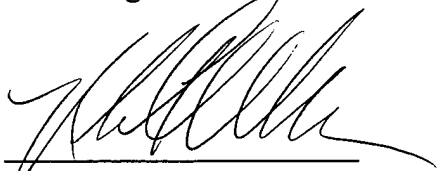
While the Examiner has alleged a possible distinction between the two identified groups of invention, the Examiner has not shown that a concurrent examination of these groups would present a "serious burden" on the Examiner. In fact, while the Examiner has noted that the individual groups would be classified in different classes, there is no appropriate statement that the search areas required to examine the invention of group I would not overlap into the search areas for examining the invention of group II, and vice versa. Applicants respectfully submit that the search for the combination of features recited in the claims of the above-noted groups, if not totally co-extensive, would appear to have a very substantial degree of overlap.

Because the search for each group of invention is substantially the same, Applicants submit that no undue or serious burden would be presented in concurrently examining Groups I and II. Thus, for the above-noted reasons, and consistent with the office policy set forth above in M.P.E.P. § 803, Applicants respectfully request that the Examiner reconsider and withdraw the restriction requirement in this application.

For all of the above reasons, the Examiner's restriction is believed to be improper. Nevertheless, Applicants have elected, with traverse, the invention defined by Group I, including claims 1 - 15, in the event that the Examiner chooses not to reconsider and withdraw the restriction requirement.

Should the Examiner have any questions or comments, he is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,
Dr. Rüdiger KURTZ



Neil F. Greenblum
Reg. No. 28,394 #35,093

July 28, 2004
GREENBLUM & BERNSTEIN, P.L.C.
1950 Roland Clarke Place
Reston, Virginia 20191
(703) 716-1191